PTO/SB/05 (2/98)

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UTILITY	Attorney Docket No.

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PTO

Name (Print/Type)

Signature

Lawrence

PATENT APPLICATION

**TRANSMITTAL** 

(Only for new nonprovisional applications under 37 CFR 1.53 (b))

38-21(15771)B Attorney Docket No. Miller, Philip W First Named Inventor or Application Identifier

NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH

			Express Mai	l Label No.	EL03254	14216US <b>M</b>	
APPLICATION ELEMENTS  See MPEP chapter 600 concerning utility patent application contents		Assistant Commissioner for Patents  ADDRESS TO:  Box Patent Application  Washington, DC 20231					
لــــا	ansmittal Form (Form PTO- an original and a duplicate	* ,		6. [ 7. N	Microfiche Computer Pro		
- Descrip - Cross F - Statem - Referen - Backgr - Brief S - Brief C - Detaile - Claims - Abstrace	ed arrangement set forth believe title of the Invention References to Related Applie ent Regarding Fed sponsore nce to Microfiche Appendix round of the Invention ummary of the Invention Description of the Drawings and Description ect of the Disclosure	ow) , cations d R and D  (if filed)	9 ]	ACCO1 8. [ 9. [	f applicable, all necessary)  . X Computer Readable  . Paper Copy (identication)	e Copy cal to computer copy) g identity of above copies  N PARTS er sheet document(s)) nt  X Power of Attorney	
4. Oath or Declar.  X Ne  5. Co  (for  Incorpor  The entire oath or de of the dis	py from a prior application or continuation/divisional with Box  [Note Box  DELETION OF INVEN Signed statement attached of application, see 37 CFR 1.6 attion By Reference (usea e disclosure of the prior app	(37 CFR 1.63(d)) ox 17 completed 5 below]  ETOR(S) leteting inventor(s) named in the 3(d)(2) and 1.33(b). ble if Box 4b is checked) lication, from which a copy Box 4b, is considered as bein	of the	12. [ 13. [ 14. [ 15. [ 16. [ *NOTE FOR FEES, A SMA*	Statement (IDS)/PTO-14  Preliminary Amendment  X Return Receipt Postcard (should be specifically itemi *Small Entity Statement(s)  Certified Copy of Priorit (if foreign priority is class Other:	(MPEP 503) (One)  zed)  Statement filed in prior application, status still proper and desired  y Document (s)  imed)	
If a CONTIN	UING APPLICATION,	check appropriate box and	supply the real	ONE FILED I	N A PRIOR APPLICATION IS RELIED		
If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:  17. Continuation Divisional Continuation-in-part (CIP) of prior application No:  Prior Application Information: Examiner: Group/Art Unit:							
		18. CORRESP	ONDENCE A	DDRESS			
Customer Number or Bar Code Label  Or X Correspondence address below  (Insert Customer No. or attach Bar Code Label here)							
VAME Lawrence M. Lavin, Jr.							
ADDRESS							
CITY	St. Louis	STATE	Missouri		ZIP CODE	63167	
COUNTRY	US	TELEPHONE	(314) 694	-3602	FAX	(314) 694-1671	
					<del></del>		

Burden Hour Statement. This form is estimated to take 2 hours to completed. Time will vary depending pon the needs of the individual cases. Any comments on the amount of time you required to completed this form should be sent to the Office of Assistance Quality and Enhancement Division, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0037), Washington, DC 20503. DO NQT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

Date:

Registration No.

Reg. No. 41422

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## FEE TRANSMITTAL for FY 1999

Patent fees are subject to annual revision.

Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT

(\$) 820.00

spond to a conection of information unless it displays a valid office control number.				
C mplete if Known				
Application Number				
Filing Date				
First Named Inventor	Philip W. Miller			
Examiner Name	To Be assigned			
Group / Art Unit				
Attorney Docket No.	38-21(15771)B			

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)					
1.   The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit	3. ADDITIONAL FEES  Large Entity Small Entity Fee Fee Fee Fee Fee Fee Fee Code (\$) Code (\$)	Fee Paid				
Account Number 13-4125	.105 130 205 65 Surcharge - late filing fee or oath	0.00				
Deposit Account	127 50 227 25 Surcharge - late provisional filing fee or cover sheet.	0.00				
Name	139 130 139 130 Non-English specification	0.00				
Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17	147 2,520 147 2,520 For filing a request for reexamination	0.00				
	112 920* 112 920* Requesting publication of SIR prior to Examiner action	0.00				
2. Payment Enclosed:  Check Money Other	113 1,840* 113 1,840* Requesting publication of SIR after Examiner action	0.00				
FEE CALCULATION	115 110 215 55 Extension for reply within first month	0.00				
1. BASIC FILING FEE	116 380 216 190 Extension for reply within second month	0.00				
Large Entity Small Entity	117 870 217 435 Extension for reply within third month	0.00				
Fee Fee Fee Fee Description	118 1,360 218 680 Extension for reply within fourth month	0.00				
Code (\$) Code (\$) Fee Paid  101 760 201 380 Utility filing fee (69(), ()()	128 1,850 228 925 Extension for reply within fifth month	0.00				
106 310 206 155 Design filing fee	119 300 219 150 Notice of Appeal	0.00				
107 480 207 240 Plant filing fee	120 300 220 150 Filing a brief in support of an appeal	0.00				
108 760 208 380 Reissue filing fee	Potition to institute a public use proceeding	0.00				
114 150 214 75 Provisional filing fee	Detition to revive unavoidable	0.00				
SUBTOTAL (1) (\$) 690.00	Detition to revive unintentional	0.00				
2. EXTRA CLAIM FEES	141 1,210 241 600					
Fee from _	142 1,210 242 605 Othiny issue fee (or reissue)  143 430 243 215 Design issue fee	0.00				
Extra Claims below Fee Paid  Total Claims 7 -20** = 0 x 18 = 0	144 580 244 290 Plant issue fee	0.00				
Independent $\frac{1}{3}$ $3** = 0$ $\times$ $\frac{78}{9}$	122 130 122 130 Petitions to the Commissioner	0.00				
Claims Unitiple Dependent = 0	123 50 123 50 Petitions related to provisional applications	130.00				
**or number previously paid, if greater; For Reissues, see below	126 240 126 240 Submission of Information Disclosure Stmt	0.00				
Large Entity Small Entity	581 40 581 40 Recording each patent assignment per	0.00				
Fee Fee Fee Fee Description Code (\$) Code (\$)	property (times number of properties)	0.00				
103 18 203 9 Claims in excess of 20 102 78 202 39 Independent claims in excess of 3	146 760 246 380 Filing a submission after final rejection (37 CFR § 1.129(a))	0.00				
104 260 204 130 Multiple dependent claim, if not paid	149 760 249 380 For each additional invention to be examined (37 CFR § 1.129(b))	0.00				
109 78 209 39 ** Reissue independent claims over original patent	Other fee (specify)	0.00				
110 18 210 9 ** Reissue claims in excess of 20 and over original patent	Other fee (specify)	0.00				
SUBTOTAL (2) (\$)0.00	· Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 130	0.00				
SUBMITTED BY Complete (if applicable)						
	Registration No.					

Name (Print/Type) Lawrence M. Lavin, Jr.

Registration No. (Attorney/Agent) 30,768

Telephone 314-694-3602

Date Oct. 19, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

es OR COMPLETED FORMS TO THIS ADDRESS. SEN

Jian S. Zhou Ray. No. 41422

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Philip W. Miller et al.

Appln. No.: To Be Assigned

Filed:

For:

Nucleic Acid Molecules and Other

Molecules Associated with Plants

Art Unit:

To Be Assigned

Examiner:

To Be Assigned

Atty. Docket: 38-21(15771)B

I hereby verify this transmittal together with the patent application referred to below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Express Mail Label No. EL032544216US on the date indicated and is addressed to: Commissioner for Patents, Washington, D.C. 20231

Jian S. Zhou

Registration No. 41, 422

TRANSMITTAL OF NON-PROVISIONAL PATENT APPLICATION

at. 19,200

Commissioner for Patents

**Box Patent Application** 

Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the complete patent application of:

Nucleic Acid Molecules and Other Molecules Associated with Plants

Inventors: Philip W. Miller

Ming Peng

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

- 1. Utility Patent Application Transmittal (PTO/SB/05);
- 2. Form PTO-1082 (in duplicate);
- 3. U.S. Utility Patent Application entitled:

**Nucleic Acid Molecules and Other Molecules Associated with Plants** 

and naming as inventors:

Philip W. MILLER and Ming PENG

the application consisting of:

- a. A specification containing:
  - (i) <u>97</u> pages of a description prior to the claims;
  - (ii) \_\_\_\_1 pages of claims (7 claims); and
  - (iii) a one (1) page abstract;
- 4. A CD-ROM containing the Sequence Listing;
- 5: Petition to Suspend Sequence Rules (in duplicate);
- Combined Declaration and Power of Attorney, executed by inventors Philip W.
   Miller and Ming Peng (3 pages);
- 7. An Information Disclosure Statement;
- 8. Form PTO-1449 (1 page), with 8 accompanying documents; and
- 9. One (1) return postcard.

It is respectfully requested that the two attached prepaid postcards be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,

Lawrence M. Lavin, Jr., Esq (Reg. No. 30,768)

Jian S. Zhou (Reg. No. 41,422)

Enclosures

F. 19, 2000

Patent Department, E2NA Monsanto Company 800 N. Lindbergh Boulevard St. Louis, MO 63167

Tel: 636-694-3602 Fax: 636-694-1671

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Philip W. Miller et al.

To Be Assigned

Appln. No.: To Be Assigned

Examiner:

To Be Assigned

Filed:

Atty. Docket: 38-21(15771)B

For:

Nucleic Acid Molecules and Other Molecules Associated with Plants

I hereby verify this petition together with the above-identified patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Express Mail Label No. EL032544216US on the date indicated and is addressed to: Commissioner for Patents, Washington, D.C. 20231

Jian S. Zhou

Registration No. 41, 422

Date: Oct. 19, 2000

**Petition to Suspend Sequence Rules** 

Commissioner for Patents Washington, DC 20231

Sir:

Applicants hereby petition the Commissioner, pursuant to 37 C.F.R. § 1.183 and M.P.E.P. § 1002.02(c)(2), for a suspension of the requirements of 37 C.F.R. § 1.821 in the above-identified application. In particular, Applicants request suspension of the non-statutory requirement for a paper copy of the Sequence Listing under 37 C.F.R. § 1.821(c), and further request that the computer-readable form of the Sequence Listing filed in this application be considered as the official Sequence Listing.

The Sequence Listing in this application is extremely large, and in paper form would be over 6000 pages in length. The preparation and filing of a paper Sequence Listing of this size would be logistically difficult and costly for Applicant, and the examination thereof by the U.S. Patent and Trademark Office is presumed to be inconvenient. Granting this Petition to suspend

cket No. 38-21(15771)B Inventors: Philip W. Miller et al. Page 2

the requirement for a paper copy in this application would not create any undue burden on the U.S. Patent and Trademark Office.

The U.S. Patent and Trademark Office is hereby authorized to charge \$130.00 in payment of the required fee (37 C.F.R. § 1.17(h)) to our Deposit Account No. 13-4125. The U.S. Patent and Trademark Office is also hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125. A duplicate copy of this petition is enclosed.

Respectfully submitted,

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

anshone the

Jian S. Zhou (Reg. No. 41,422)

Oct. 19, 2000

Patent Department, E2NA Monsanto Company 800 N. Lindbergh Boulevard St. Louis, MO 63167

Tel: (314) 694-3602 Fax: (314) 694-1671